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C O N F I D E N T I A L SECTION 01 OF 02 BAKU 001713

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SUBJECT: AZERBAIJANI NATIONAL MEDIA REGULATOR SHUTS DOWN
LEADING INDEPENDENT TV AND RADIO CHANNEL

REF: BAKU 1606

Classified By: Ambassador Anne E. Derse for Reason 1.4 (b) and (d)

¶1. (U) On November 24 the GOAJ state media regulator, the National TV and Radio Council (NTRC), ordered Azerbaijan's leading independent television and radio station, ANS TV and Radio, off the air. In a written instruction to ANS Chairman Vahid Mustafayev, NTRC Chairman Nurshirvan Maharammli told ANS to stop broadcasting at 3PM (local) on November 24. The order cited ANS' continued violation of the national media law and NTRC's regulations. ANS has been in license renewal discussions with the NTRC since September 2005. At 3PM ANS TV went off the air and an on-screen message told viewers of the NTRC's order. ANS Radio went off the air shortly thereafter. Prosecutors from the Prosecutor General's Office, Ministry of the Interior, and other GOAJ officials entered ANS' headquarters office in Baku after 3PM to enforce the NTRC order by repossessing essential broadcasting equipment. Since the vast majority of Azerbaijanis get their news from ANS, the shutdown will be immediately felt by ordinary citizens and political activists alike.

¶2. (C) The Ambassador spoke with President Aliyev by telephone to convey the USG's deep concern and disappointment at the GOAJ's sudden decision to take ANS off the air. Aliyev said that he recognized the potential damage to Azerbaijan's international reputation but insisted that (the decision) "should not be considered an action against media freedom." Aliyev, sounding defensive by this turn of events, said he had instructed his chief of staff, Ramiz Medhiyev and presidential political advisor Ali Hasanov to "find a way out of this situation." Aliyev sought to assure the Ambassador that there was no political motivation behind the NTRC action, describing the NTRC decision as "an act of desperation" following a year of failed efforts to get ANS to comply with the national media law and the NTRC's regulations. Aliyev repeatedly told the Ambassador that he had no problem with ANS and has long been a supporter of the company, citing his own April 2005 public statements in ANS' defense, when the channel was attacked by Aliyev's uncle on the floor of the parliament. Aliyev noted that it was hard for him to take this step given the family relationship but he did it because it had to be done - his uncle had gone beyond ethical norms. Aliyev told the Ambassador that ANS was a "neutral channel, unlike the pro-opposition and pro-government" press, adding that he did not consider ANS to be in opposition to him.

¶3. (C) The Ambassador asked Aliyev whether ANS could continue to broadcast while legal and technical negotiations took place in order to resolve the dispute. Aliyev said yes, as long as a way could be found to bring ANS into compliance with the requirements of the law. Aliyev told the Ambassador that he had information about ANS' repeated failure to meet legal and technical requirements of Azerbaijani law. The Ambassador told Aliyev that legal and technical requirements

aside the termination of ANS would negatively impact the broad spectrum of our bilateral relationship and harm Azerbaijan's international reputation if no action was taken to fix it quickly. Aliyev said that he understood the seriousness of the problem and ended the conversation noting that "today was not a good day."

¶ 14. (C) The Ambassador made similar points to FM Mammadyarov who argued that, while he was not familiar with the details of the case he understood that the issue is one of rule of law and ANS like others must comply. He later called back to say that he had raised the issue with presidential chief of staff Ramiz Medhiyev who said that the NTRC would continue the discussions if ANS sent the signal that it wanted to do so. He also said he had raised the BBC and VOA, RFE/RL issue with the president who agreed it should be settled on technical grounds, "out of the political context". He invited VOA representatives to return to Baku to continue discussions.

¶ 15. (U) Separately, late in the day, the Baku Economic Court ordered the immediate eviction of the opposition party newspapers Azadliq and Bizim Yol, the Turan news agency and the opposition Popular Front Party (PFP) from their central Baku offices at 33 Khagani Street. The court order, which came as the result of a law suit filed by the State Property Commission, was met with dismay and anger by the opposition and by human rights activists. At around 1900, approximately 50 police officers gathered at the building, near the Embassy Annex, and ordered the tenants to vacate it immediately. Emboff, joined on the scene by other international observers from the UK, German, French, Italian, Norwegian Embassies, the OSCE and the Council of Europe, reported that police locked down the building. Some policemen entered the building

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and instructed the tenants to leave while other police officers formed a line on the street in front. Approximately 25 riot police arrived on the scene shortly thereafter, but took no action. Deputy PFP Chairman Fuad Mustafayev and Turan News Agency head Mehman Aliyev told Emboffs that they have been given until 1100 on November 25 to vacate the premises. Deputy police chief Yashar Aliyev told the assembled media that two members of each tenant organization would be permitted to remain overnight and that others would be allowed to return early on the morning of November 25 to repossess their belongings before being moved to an alternate location.

¶ 16. (U) The OSCE has indicated it will issue a statement about the ANS decision and plans to convene the OSCE member state Ambassadors on November 27 to discuss further action. The British Embassy indicated it will also issue a strong statement.

The Embassy released the following statement:

Begin text: We are deeply disappointed by the decision not to renew the broadcast license of ANS Television and Radio. Democracy depends on a vibrant public discourse based on freedom of expression and a diversity of views. The closure of Azerbaijan's leading independent news broadcaster represents a severe blow to media freedom. This decision calls into question the Azerbaijani government's commitment to democratic development and freedom of speech. We strongly urge that this decision be reconsidered in a manner that supports media freedom. End Text.

COMMENT

¶ 17. (C) The sudden termination of ANS is a severe blow to media freedom and democratic development in Azerbaijan. Coupled with the Azadliq eviction, it represents a concerted move against the independent and the opposition media. The

GOAJ is relying on legal and technical arguments to justify its actions. We have underscored the relationship and reputational implications with respect to Azerbaijan's commitment to democracy. Aliyev professed a desire to "get out of the situation" and said he had instructed his officials to straighten it out, while insisting that ANS needs to comply with the law. With respect to ANS, it remains to be seen whether this will happen in a manner that gets ANS back on the air soon or at all.

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